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*Interim Co-Lead Counsel for Plaintiff Class*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

IN RE: HIGH-TECH EMPLOYEE  
ANTITRUST LITIGATION  
  
THIS DOCUMENT RELATES TO:  
  
ALL ACTIONS

Master Docket No. 11-CV-2509-LHK

**DECLARATION OF DR. EDWARD E.  
LEAMER IN OPPOSITION TO  
DEFENDANTS' ADMINISTRATIVE  
MOTION**

1 I, Edward E. Leamer, declare as follows:


2 1. On December 10, 2012, I submitted a Reply Expert Report in Support of  
3 Plaintiffs' Motion for Class Certification. In that report, I responded to "Defendants' anecdotal  
4 examples" which purported "to show that similar Class Members have very disparate and  
5 unexplainable differences in compensation." Leamer Reply ¶ 62. I explained that, when  
6 controlling for "common objective factors, such as title," there is a lack of variation among  
7 similar employees, demonstrating the effects of Defendants' compensation structures and  
8 enforcement of internal equity. *Id.* ¶¶ 62-64. The underlying data was first produced by  
9 Defendants. I later provided the data to Defendants as part of the master dataset I produced to  
10 Defendants with my initial expert report, filed October 1, 2012.

11 2. On January 9, 2013, Defendants filed a Supplemental Declaration of Professor  
12 Kevin M. Murphy in Support of Defendants' Administrative Motion for Leave to Supplement the  
13 Record ("Murphy Supplemental Declaration"). The Murphy Supplemental Declaration attaches  
14 tables of salary and total compensation data for Apple and Intel employees over time. However,  
15 the tables in the Murphy Supplemental Declaration improperly combine employees who held  
16 different job titles in the same year, and thus group employees who were not, in fact, "similarly  
17 situated." Supp. Murphy Decl., Ex. A. The tables make no distinction among employees who  
18 changed job titles due to separations, job transfers, demotions, promotions, etc.

19 3. I have attached as Exhibit A charts that separate these same employees into groups  
20 who shared the same job titles over the same years described in the Murphy Supplemental  
21 Declaration. Here, again, the effects of Defendants' compensation structures and enforcement of  
22 internal equity is apparent. These data further support my opinion that Defendants' salary  
23 structures, and enforcement of internal equity, would have spread the effects of their agreements  
24 on compensation broadly across all or nearly all members of the Class.

1 I declare under penalty of perjury under the laws of the United States that the above is true  
2 and correct.

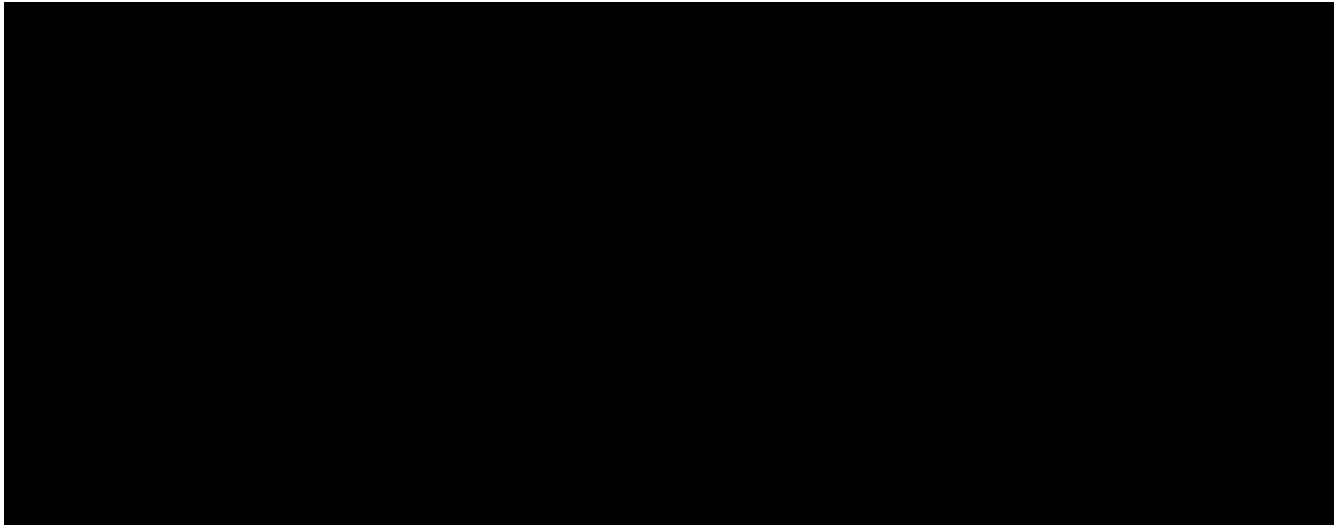
3 Executed on January 14, 2013, in Los Angeles, California.

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6 Edward E. Leamer  
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# EXHIBIT A

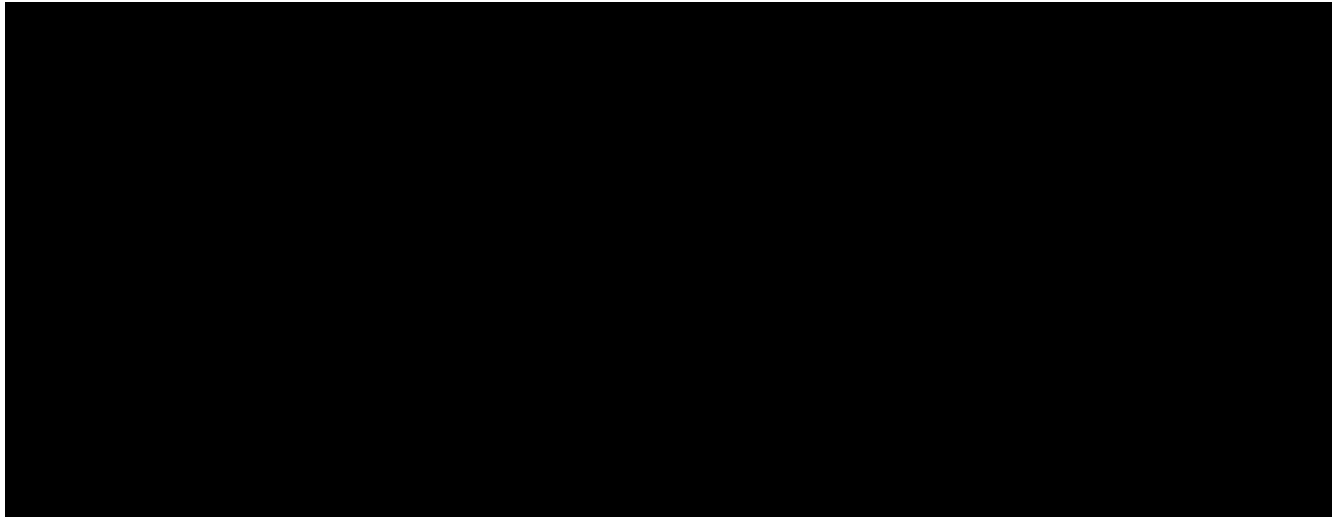
### **Base Salary Growth of 4 Apple Employees**



Note: Grouped employees have same job titles 2008-2011. Numbers may differ slightly from Dr. Murphy's Exhibits due to rounding in his calculations.

Source: Exhibit A of Dr. Murphy's Supplemental Declaration.

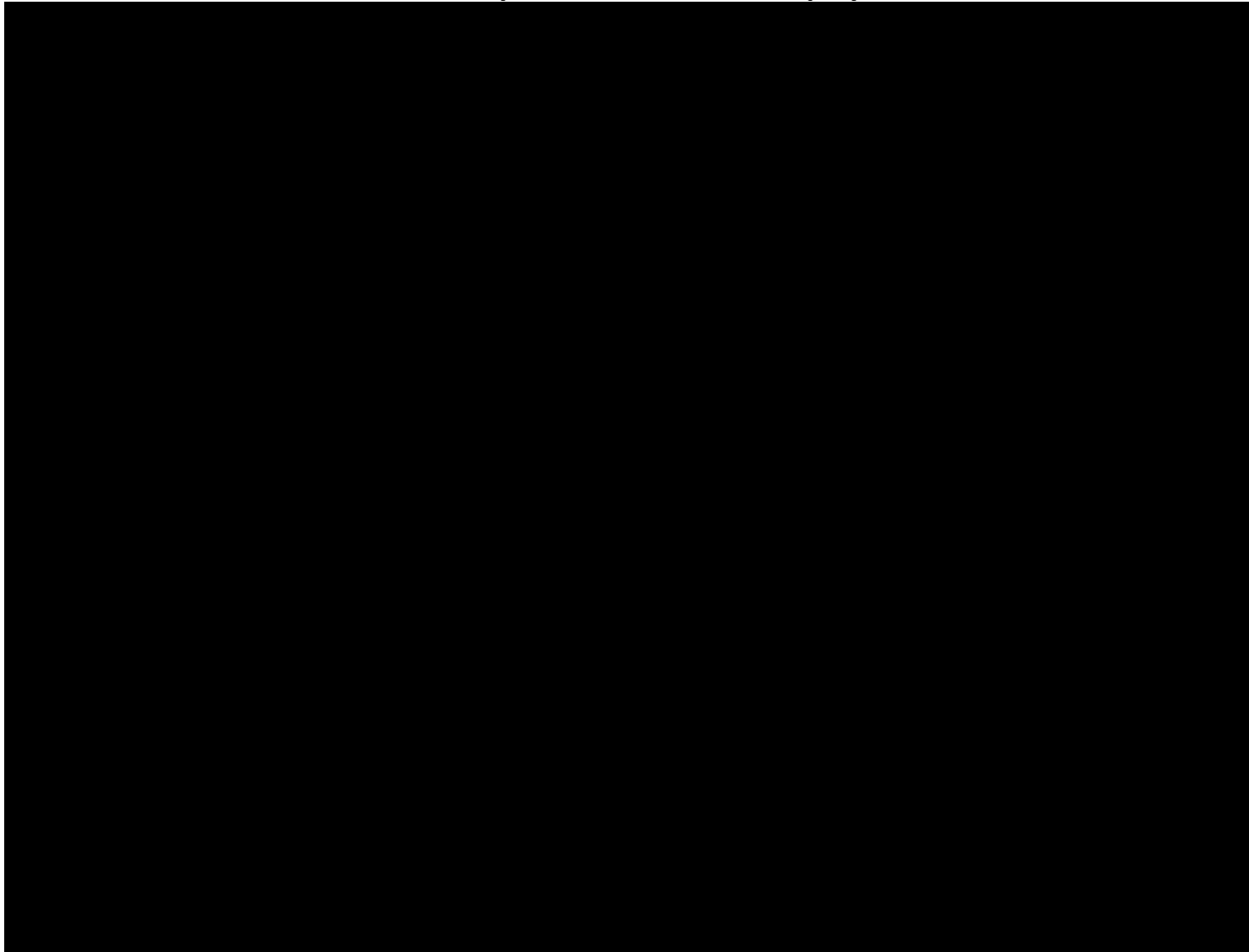
### **Total Compensation Growth of 4 Apple Employees**



Note: Grouped employees have same job titles 2008-2011. Numbers may differ slightly from Dr. Murphy's Exhibits due to rounding in his calculations.

Source: Exhibit A of Dr. Murphy's Supplemental Declaration.

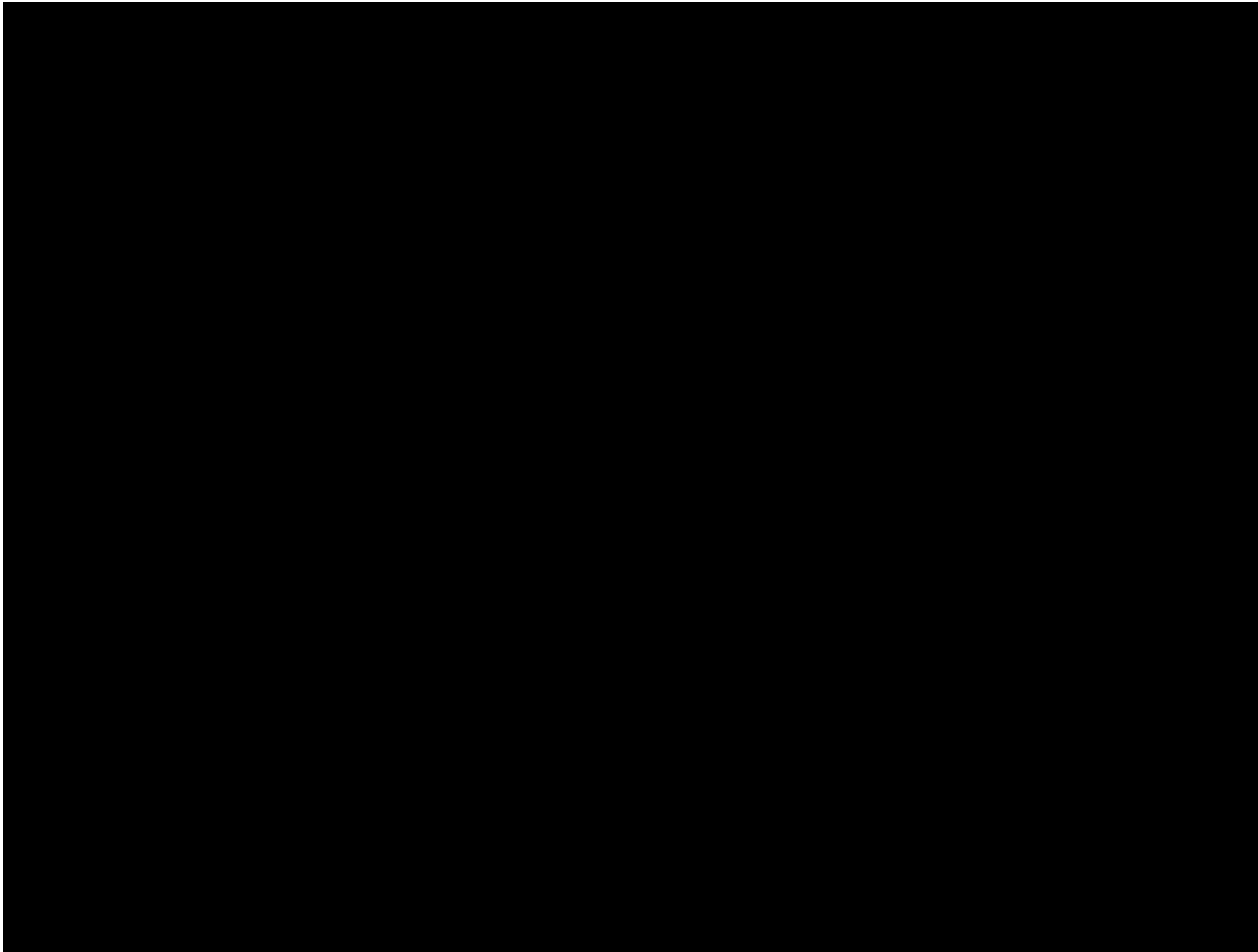
### Base Salary Growth of 28 Intel Employees



Note: Grouped employees have same job titles 2007-2011. Numbers may differ slightly from Dr. Murphy's Exhibits due to rounding in his calculations.

Source: Exhibit A of Dr. Murphy's Supplemental Declaration.

### Total Compensation Growth of 28 Intel Employees



Note: Grouped employees have same job titles 2007-2011. Numbers may differ slightly from Dr. Murphy's Exhibits due to rounding in his calculations.

Source: Exhibit A of Dr. Murphy's Supplemental Declaration.



### **Base Salary Growth of 4 Apple Employees: Job Title Groups**



Note: Grouped employees have same job titles 2008-2011. Numbers may differ slightly from Dr. Murphy's Exhibits due to rounding in his calculations

Source: Exhibit A of Dr. Murphy's Supplemental Declaration.

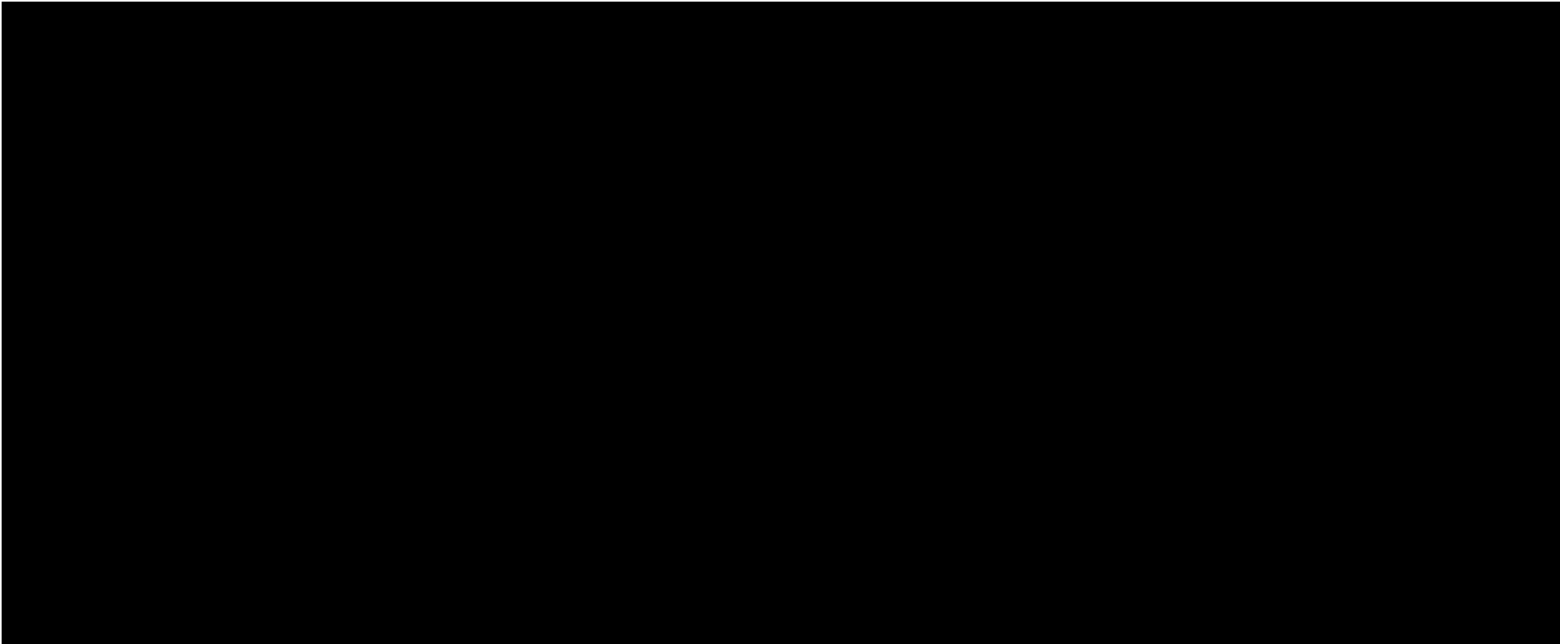
### Total Compensation Growth of 4 Apple Employees: Job Title Groups



Note: Grouped employees have same job titles 2008-2011. Numbers may differ slightly from Dr. Murphy's Exhibits due to rounding in his calculations

Source: Exhibit A of Dr. Murphy's Supplemental Declaration.

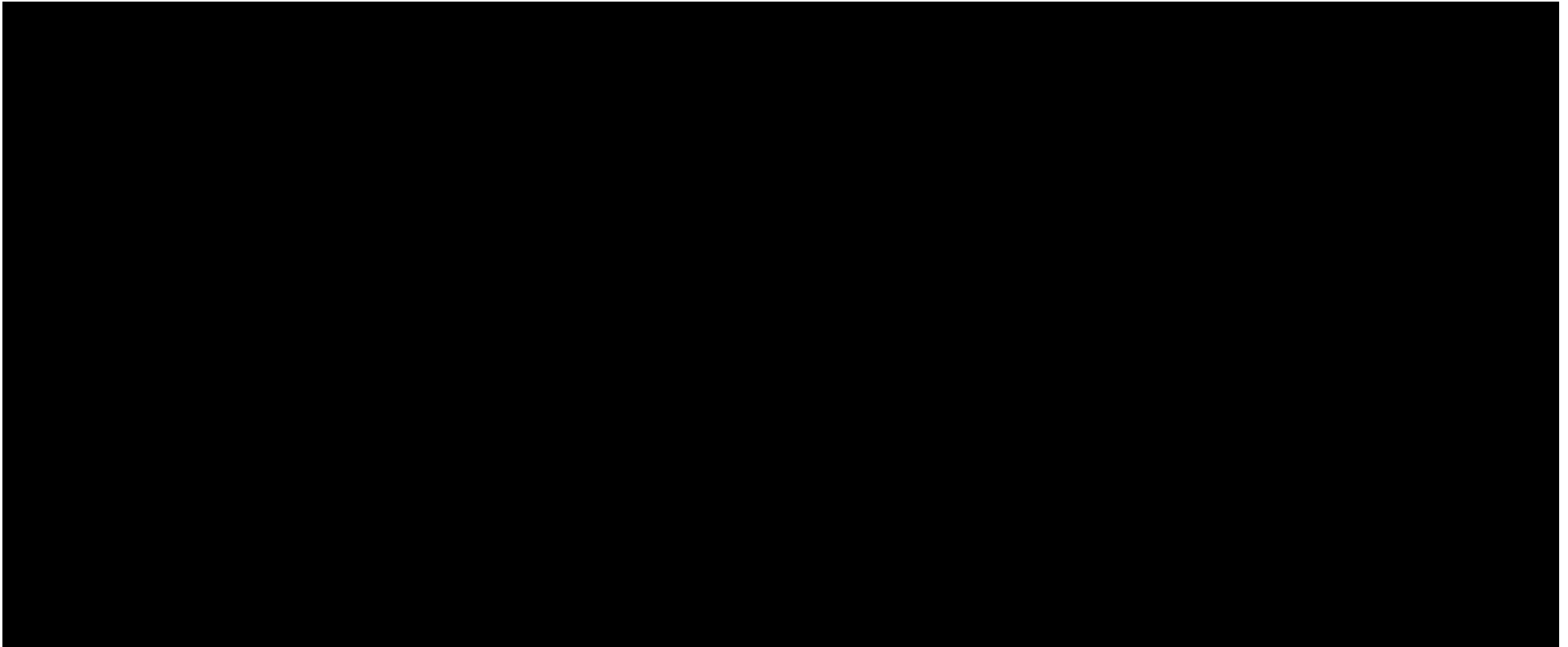
### Base Salary Growth of 28 Intel Employees: Job Title Groups



Note: Grouped employees have same job titles 2007-2011. Numbers may differ slightly from Dr. Murphy's Exhibits due to rounding in his calculations.

Source: Exhibit A of Dr. Murphy's Supplemental Declaration.

## Total Compensation Growth of 28 Intel Employees: Job Title Groups



Note: Grouped employees have same job titles 2007-2011. Numbers may differ slightly from Dr. Murphy's Exhibits due to rounding in his calculations.

Source: Exhibit A of Dr. Murphy's Supplemental Declaration.